Supreme Court, U.S.
FILED
DEC 13 1985
JOSEPH F. SPANIOL, JR.
CLERK

No. 85-683

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1985

KWANG-WEI HAN,

Petitioner

vs.

TONEY AND BRIGITTE PILATO,

Respondent.

Petition for a Writ of Certiorari to the Supreme Court of the United States.

REPLY BRIEF

Kwang-Wei Han,
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Santa Ana, Ca. 92711,
(714) 250-1313,

In Pro Per.

BEST AVAILABLE COPY

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The information supplied by Attorney Woodland in the Response to Petition for Writ of Certiorari to the Supreme Court of the United States (Appendix E in particular) may not conform to the facts and it may be that it had an adverse effect on Han in front of this Court. 7

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vs.

TONEY AND BRIGITTE PILATO,

Respondent.

Petition for a Writ of Certiorari to the Supreme Court of the United States.

REPLY BRIEF.

Petitioner will adopt by reference in his **PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES, the Question Presented for Review, Judgment and Opinion Below, Jurisdiction, Constitutional Provision Involved, Federal Statutory Provision Involved, and Statement of the Case** contained therein.

REASONS FOR GRANTING THE WRIT

The issue still remains: A trained and seasoned attorney used false testimony and fraudulent evidence during the trial in a case against a pro se.

Michael Woodland, the attorney for the Respondent seriously breached professional conduct by attacking Petitioner Han personally. The Pilatos case, to say the least, as a whole, is a weak case. In each step of the proceedings below, at every level, including the California Supreme Court, Attorney Woodland introduced the same burdensome, irrelevant, immaterial, and scandalous matters as he has done here to side-step the real issue of the case. Apparently Attorney Woodland has been successful in "muddying the water."

When the $2,000 figure was first introduced by the Plaintiffs, and their attorney during the trial, Petitioner Han instinctively questioned its validity and

presented it to Attorney Dennis Orphan who was representing the other defendant in this case. Mr. Orphan replied that he (Attorney Woodland) would not dare to introduce false evidence.

Han knew something was wrong with the $2,000 figure. He tried to explain it to the jury but was not capable of doing so at the time. The Plaintiff and Attorney Woodland continued to insist the $2,000 figure was accurate. Mrs. Pilato testified under questioning by Attorney Woodland and Attorney Orphan, insisted that the $2,000 figure was correct with reasons and explanations. She was even reminded of her prior declaration, under penalty of perjury, that she knew before trial that a $2,000 figure never existed. This is all contained in the records.

At Han's insistence, Attorney Orphan was able to mathematically impeach the $2,000

figure; however, Attorney Woodland called it an "accounting error." All parties believed this then. It was their effort to try to cover up the accounting error during the trial that exhibited their intent and arose Han's suspicions. It was a year or so later that Han began to realize that the Plaintiff and Attorney Woodland's reasons and explanations given in regard to the accounting error actually constituted knowing the facts and intentionally misrepresenting them (see California Civil Code 1710 and Business and Professional Code 6068).

Han also questioned Attorney Dennis Orphan about this $2,000 cover-up effort a year later. Attorney Orphan replied, "Attorneys do that all the time -- there is nothing that can be done." Han contacted Attorney Winslow Christian of the law firm of Hanson, Brigitte, Marcus,

Vlahos & Stromberg in San Francisco. They sympathized but would not raise the question on appeal. However, they did file an Amici Curiae on behalf of Dr. and Mrs. Irving Berke in support of Han's appeal, which clearly set forth Han did not breach the contract and was not liable, but the Court of Appeal would not accept it.[1/] Han did raise the issue to the California Court of Appeal.

Attorney Woodland overestimated Han's capability and experience in court at this time which led him to use false testimony and fraudulent evidence to ensure his chances of winning the case which had an overkill effect.

There is no doubt that Han had a tremendous amount of problems in business during this time. As owner, he virtually single-handedly built a warehouse but was unable to lease it. As creditors were getting impatient, lawsuits were filed

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1/ Dr. and Mrs. Berke put up their house as a bond for Han's appeal.

against him. Some of the lawsuits were unjustified. Han had neither the time to study law nor the money to hire an attorney. He consulted many attorneys whenever there was an emergency. At this time, Han was not very experienced in law. Mr. Woodland could have easily won his case hands down without introducing false testimony and fraudulent evidence.

This is similar to a situation where in 1972 the campaign workers for President Richard Nixon, in order to ensure his re-election, broke into the Democratic Party's election headquarters. Actually this was not necessary as Mr. Nixon was the incumbent and the chances of getting re-elected were very high. It had an overkill effect. The fatal mistake Mr. Nixon made was to continue to deny knowledge of the break-in and tried to cover it up. Consequently, the cover-up

eventually touched and shook the foundation of the highest office of the land -- the Presidency.

This petitioner requests that this Court see through "the muddy water" and focus its attention on the issue presented to uphold the propriety of the legal profession.

The information supplied by Attorney Woodland in the Response to Petition for Writ of Certiorari to the Supreme Court of the United States (Appendix E in particular) may not conform to the facts and it may be that it had an adverse effect on Han in front of this Court.

By pointing out the fact that Han has been involved in many cases, Attorney Woodland intended to alienate Han from this Court. However, the issue presented is whether there should be safeguards against trained attorneys using false testimony and fraudulent evidence in court against a pro se is of Constitutional dimension. Han believes he had done

nothing wrong, yet he has paid his price: the loss of business, attorneys' fees and costs, not to mention the emotional drain. Each brief filed with the Court of Appeals was made out of months' of study. However, the information Attorney Woodland presented to the Court in Respondent's Appendix "E" which is in front of this Court on its face does not conform to the facts. Attorney Woodland presented that there were 59 cases against Han in court. Whether it was intentional to mislead the Court, or by mistake, Attorney Woodland overstated the facts. Out of the 59 cases presented, actually there were only 29 cases with which Han has been involved. This fact can be verified by the court records. Attorney Woodland presented in Respondent's Appendix "E" with doubled, tripled, and quadrupled listings of the same cases (see Petitioner's Reply Brief,

Appendix "A").

Appendices "B", "C", and "D" of this brief are copies of certified court records which are intended to be used as references. A close analysis of the following would result in a clear picture of Han's status with the cases.

# of Cases	Case #	Status	Bal.Tot. Cases
			33
1	351895	Non-existent	32
3	234164 307491 (Appdx.C)	Dismissed	
	319955		29
3	321831 382121 421424 (Appdx.D)	No relation to Han	26
9	200336 210277 214924 217438 223180 223615 225017 225861 253481	Paid in full (approx. $150,000)	17

# of Cases	Case #	Status	Bal.Tot. Cases
6	236207 250475 266142 274308 292144 307805	Being paid regularly	11
8	262104 264478 266505 271117 278813 294718 321831 331113	Dormant and secured	3
3	306411 (in front of this Court)		
	310678 (Appdx.B)	Current and pending	
	351295		-0-

The number of cases with which Han has been involved has nothing to do with the central issues in this case.

This Petitioner is working diligently towards erasing this record. Great progress has been made. The verdict

against Han is the result of the use of false testimony and fraudulent evidence.

CONCLUSION

Petitioner Han has strong faith in the legal system. It is for this reason that this case has come this far in the seeking of justice. Moreover, it is the petitioner's belief and suggestion to this Court that a "little housekeeping" will do the public much good.

Who is willing, and going to, throw the money-changers out of the temple? This analogy is purely to illustrate a point with no religious significance.

Respectfully submitted,

Kwang-Wei Han

Dec. 13, 1985
Date

Kwang-Wei Han
In Pro Per

APPENDICES

APPENDIX "A"

This is a reorganization of the Respondent's Appendix "E."

Date	Case No.	Opposing Party
03/02/73	200336	Pugiliese
03/02/73	200336	Pugiliese (DUPLICATE)
01/14/74	210277	Burke Concrete
05/30/74	214924	T&H Equipment Co.
08/07/74	217438	Poe
08/07/74	217438	Poe (DUPLICATE)
01/09/75	223180	Rath
01/20/75	223615	Pacific Southwest
01/20/75	223615	Pacific Southwest (DUPLICATE)
02/19/75	225017	Conrock Co.
03/10/75	225861	R. J. Noble Co.
09/05/75	234164	Haight, Lyon, Smith & Dickson
10/16/75	236207	Conder

07/26/76	250475	Houston Citizens Bank
07/26/76	250475	Houston Citizens Bank (DUPLICATE)
09/16/76	253481	Tom Thumb Glove Co.
09/16/76	253481	Tom Thumb Glove Co. (DUPLICATE)
01/31/77	262104	Robert Cox
01/31/77	262104	Robert Cox (DUPLICATE)
03/09/77	264478	Kuma Glove Co.
03/09/77	264478	Kuma Glove Co. (DUPLICATE)
04/04/77	266142	Chambers
04/04/77	266142	Chambers (DUPLICATE)
04/11/77	266505	Yrisarri
04/11/77	266505	Yrisarri (DUPLICATE)
04/11/77	266505	Yrisarri (TRIPLICATE)
06/24/77	271117	Yrisarri
06/24/77	271117	Yrisarri (DUPLICATE)
06/24/77	271117	Yrisarri (TRIPLICATE)

08/18/77	274388	Century Glove Corp.
08/18/77	274388	Century Glove Corp. (DUPLICATE)
11/07/77	278813	Westlands Bank
06/13/78	292144	Far East National Bank
06/13/78	292144	Far East National Bank (DUPLICATE)
07/25/78	294718	Hutchins
07/25/78	294718	Hutchins (DUPLICATE)
01/30/79	306411	Pilato
02/16/79	307491	Pilato
02/16/79	307491	Pilato (DUPLICATE)
02/22/79	307805	Irvine National Bank
02/22/79	307805	Irvine National Bank (DUPLICATE)
04/06/79	310678	General American
04/06/79	310678	General American (DUPLICATE)
04/06/79	310678	General American (TRIPLICATE)
04/06/79	310678	General American (QUADRUPLICATE)

09/07/79	319955	MJH Clearings, Inc.
09/07/79	319955	MJH Clearings, Inc. (DUPLICATE)
09/07/79	319955	MJH Clearings, Inc. (TRIPLICATE)
10/11/79	321831	United Parcel
10/11/79	321832	United Parcel
10/11/79	321832	United Parcel (DUPLICATE)
03/20/80	331113	Municipal Court Harbor Jud.
03/20/80	331113	Municipal Court (DUPLICATE)
03/20/80	331113	Municipal Court (TRIPLICATE)
03/20/80	331113	Municipal Court (QUADRUPLICATE)
After 1980		
02/27/81	351295	Pariso
08/27/81	351895	Pariso
07/08/82	382121	General American
01/31/84	421424	Wostenberg

APPENDIX "B"

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

KWANG-WEI HAN, Individually and dba HAN & COMPANY, dba HAN FOOD COMPANY,	)
Plaintiffs,	)
v.	)
GENERAL AMERICAN LIFE INSURANCE COMPANY, a Missouri Corporation; BEN KLINE, H. EDWIN TRUSHEIM; TITLE INSURANCE & TRUST COMPANY; and DOES I through XXX, inclusive.	)
Defendants.	)

CASE NO. 31 06 78
COMPLAINT FOR DECLARATORY RELIEF, FOR TEMPORARY RESTRAINING ORDER PRELIMINARY AND PERMANENT INJUNCTION AND FOR DAMAGES FOR RELATION AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Filed April 6, 1979, LEE A. BRANCH, County Clerk,
By _____ Deputy

APPENDIX "C"

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

KWANG-WEI HAN,	)
	)
Plaintiff,	)
	)
v.	)
	)
TONEY PILATO, BRIGITTE PILATO, MIKE PILATO, DOES I to X,	)
	)
Defendants.	)
	)
	)

CASE NO. 30 74 91
INTERFERENCE WITH AN ECONOMIC RELATION,
ASSAULT AND BATTERY,
FALSE IMPRISONMENT,
INJUNCTION.

Filed February 16, 1979, LEE A. BRANCH, County Clerk,
By _____ Deputy

APPENDIX "D"

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

KWANG TONG HAN, JIN WOO HAN, and DUK M. HAN, a minor, by and through his Guardian Ad LItem, KWANG TONG HAN,	)
Plaintiffs,	)
v.	)
DAVID JOSEPH WOSTENBERG, ROBERT ROBERTSON, and DOES 1-10, inclusive,	)
Defendants.	)

CASE NO. 42 14 24
COMPLAINT FOR PERSONAL INJURIES AND DAMAGES

Filed JANUARY 31, 1984, LEE A. BRANCH, County Clerk,
By _____ Deputy

PROOF OF SERVICE

State of California
ss.
County of Orange

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Orange, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is 2550 N. Grand Avenue, Santa Ana, California 92706; that on December 13, 1985, I served the within Reply Brief to Petition for Writ of Certiorari in said action or proceeding by depositing true copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Ana, California, addressed as follows:

Clerk, United States
Supreme Court
One First Street, N.W.
Washington, D.C. 20543
(Original and forty copies)

Parkin & Woodland, Inc.
F. Michael Woodland, Esq.
711 W. 17th Street
Santa Ana, CA 92706

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 1985, at Santa Ana, California.

Julie R. Gonzales